

1 AN ACT concerning education, which may be referred to as
2 the Education Reform and Accountability Act of 2004.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 1. Short title. This Act may be cited as the School
6 Employee Benefit Act.

7 Section 5. Purpose. The purpose of this Act is to require
8 the Department of Central Management Services to establish and
9 administer a prescription drug benefit program that will enable
10 eligible school employees access to affordable prescription
11 drugs.

12 Section 10. Definitions.

13 "Annuitant" means a retired school district employee
14 entitled to receive retirement benefits, as defined by the
15 school district.

16 "Department" means the Department of Central Management
17 Services.

18 "Dependent" means a school district employee's dependent
19 as defined by the school district.

20 "Director" means the Director of Central Management
21 Services.

22 "Employee" means a school district employee who is entitled
23 to benefits as defined by the school district.

24 "Rules" includes rules adopted and forms prescribed by the
25 Department.

26 "School district" means a public school district in this
27 State.

28 Section 15. Prescription drug benefits; contract.

29 (a) The Director shall, by contract, self-insurance, or
30 otherwise, make available a voluntary program of prescription

1 drug benefits for school districts under Section 15 of this
2 Act. The contract or other arrangement for the provision of the
3 prescription drug benefits shall be on terms deemed by the
4 Director to be in the best interest of the State of Illinois
5 and school districts based on criteria set by the Department,
6 which must include without limitation administrative cost,
7 service capabilities of the carrier or other contractors, and
8 premiums, fees, or charges as related to the costs of the
9 benefits.

10 (b) The term of a contract under this Section may not
11 extend beyond 5 fiscal years. The Director may exercise renewal
12 options of the same contract for up to a period of 5 years. Any
13 increases in premiums, fees, or charges requested by a
14 contractor whose contract may be renewed pursuant to a renewal
15 option contained in the contract must be justified on the basis
16 of (1) audited experience data, (2) increases in the costs of
17 prescription drug coverage provided under the contract, (3)
18 contractor performance, (4) increases in contractor
19 responsibilities, or (5) any combination of these bases.

20 (c) A contractor shall agree to abide by all requirements
21 and rules of the prescription drug benefit program, to submit
22 such information and data as may from time to time be deemed
23 necessary by the Director for effective administration of the
24 program, and to fully cooperate in any audit.

25 Section 20. Prescription drug benefits; program.

26 (a) Beginning July 1, 2005, the Department shall be
27 responsible for administering the prescription drug benefit
28 program established under this Act for employees, annuitants,
29 and dependents on a non-insured basis.

30 (b) For each program year, the Department shall set a date
31 by which school districts must notify the Department of their
32 election to participate in the prescription drug benefit
33 program. The Department shall provide notification of the
34 election date to school districts at least 45 days prior to the
35 election date.

1 (c) Any school district may apply to the Director to have
2 employees, annuitants, and dependents be provided a
3 prescription drug benefit program under this Act. To
4 participate, a school district must agree to enroll all of its
5 employees. A participating school district is not required to
6 enroll a full-time employee who has waived coverage under the
7 district's health plan.

8 (d) The Director shall determine the insurance rates and
9 premiums for those employees, annuitants, and dependents
10 participating in the prescription drug benefit program. Rates
11 and premiums may be based in part on age and eligibility for
12 federal Medicare coverage.

13 A school district must remit the entire cost of providing
14 prescription drug coverage under this Section.

15 (e) All revenues arising from the administration of the
16 prescription drug benefit program shall be deposited into
17 general revenue funds.

18 (f) The prescription drug benefit program shall be
19 maintained on an ongoing, affordable basis, and the cost to
20 school districts shall not exceed the State's actual program
21 costs. The prescription drug benefit program may be changed by
22 the State and is not intended to be a pension or retirement
23 benefit subject to protection under Section 5 of Article XIII
24 of the Illinois Constitution.

25 Section 25. Pharmacy providers.

26 (a) The Department or its contractor may enter into a
27 contract with a pharmacy registered or licensed under Section
28 16a of the Pharmacy Practice Act of 1987.

29 (b) Before entering into an agreement with other pharmacy
30 providers, pursuant to Sections 15 and 20 of this Act, the
31 Department or its contractor must by rule or contract establish
32 terms or conditions that must be met by pharmacy providers
33 desiring to contract with the Department or its contractor. If
34 a pharmacy licensed under Section 15 of the Pharmacy Practice
35 Act of 1987 rejects the terms and conditions established, the

1 Department or its contractor may offer other terms and
2 conditions necessary to comply with the network adequacy
3 requirements.

4 (c) Notwithstanding the provisions of subsection (a) of
5 this Section, the Department or its contractor may not refuse
6 to contract with a pharmacy licensed under Section 15 of the
7 Pharmacy Practice Act of 1987 that meets the terms and
8 conditions established by the Department or its contractor
9 under subsection (a) or (b) of this Section.

10 Section 85. The State Finance Act is amended by changing
11 Section 13.5 as follows:

12 (30 ILCS 105/13.5)

13 Sec. 13.5. Appropriations for ~~higher~~ education.

14 (a) State appropriations to the State Board of Education,
15 the Board of Trustees of Southern Illinois University, the
16 Board of Trustees of the University of Illinois, the Board of
17 Trustees of Chicago State University, the Board of Trustees of
18 Eastern Illinois University, the Board of Trustees of Illinois
19 State University, the Board of Trustees of Governors State
20 University, the Board of Trustees of Northeastern Illinois
21 University, the Board of Trustees of Northern Illinois
22 University, and the Board of Trustees of Western Illinois
23 University for operations shall identify the amounts
24 appropriated for personal services, State contributions to
25 social security for Medicare, contractual services, travel,
26 commodities, equipment, operation of automotive equipment,
27 telecommunications, awards and grants, and permanent
28 improvements.

29 (b) Within 120 days after the conclusion of each fiscal
30 year, each State-supported institution of higher learning must
31 provide, through the Illinois Board of Higher Education, a
32 financial report to the Governor and General Assembly
33 documenting the institution's revenues and expenditures of
34 funds for that fiscal year ending June 30 for all funds.

1 (Source: P.A. 93-229, eff. 7-22-03.)

2 Section 90. The School Code is amended by changing Sections
3 1A-1, 1A-2.1, 1A-4, 2-3.6, 10-19, 10-20.21, 21-1b, 21-1c,
4 21-12, and 34-18 and by adding Sections 1A-10, 2-3.47a,
5 2-3.62a, and 3-14.30 and Article 28A as follows:

6 (105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

7 Sec. 1A-1. Members and terms.

8 (a) (Blank). ~~The term of each member of the State Board of~~
9 ~~Education who is in office on the effective date of this~~
10 ~~amendatory Act of 1996 shall terminate on January 1, 1997 or~~
11 ~~when all of the new members initially to be appointed under~~
12 ~~this amendatory Act of 1996 are appointed by the Governor as~~
13 ~~provided in subsection (b), whichever last occurs.~~

14 (b) ~~The Beginning on January 1, 1997 or when all of the new~~
15 ~~members initially to be appointed under this subsection are~~
16 ~~appointed by the Governor, whichever last occurs, and~~
17 ~~thereafter, the State Board of Education shall consist of 8~~ 9
18 members and a chairperson, who shall be appointed by the
19 Governor with the advice and consent of the Senate from a
20 pattern of regional representation as follows: 2 appointees
21 shall be selected from among those counties of the State other
22 than Cook County and the 5 counties contiguous to Cook County;
23 2 appointees shall be selected from Cook County, one of whom
24 shall be a resident of the City of Chicago and one of whom
25 shall be a resident of that part of Cook County which lies
26 outside the city limits of Chicago; 2 appointees shall be
27 selected from among the 5 counties of the State that are
28 contiguous to Cook County; and 3 members shall be selected as
29 members-at-large (one of which shall be the chairperson). The
30 Governor who takes office on the second Monday of January after
31 his or her election shall be the person who nominates members
32 to fill vacancies whose terms begin after that date and before
33 the term of the next Governor begins.

34 The term of each member of the State Board of Education

1 whose term expires on January 12, 2005 shall instead terminate
2 on the effective date of this amendatory Act of the 93rd
3 General Assembly. Of these 3 seats, (i) the member initially
4 appointed pursuant to this amendatory Act of the 93rd General
5 Assembly whose seat was vacant on April 27, 2004 shall serve
6 until the second Wednesday of January, 2009 and (ii) the other
7 2 members initially appointed pursuant to this amendatory Act
8 of the 93rd General Assembly shall serve until the second
9 Wednesday of January, 2007.

10 The term of the member of the State Board of Education
11 whose seat was vacant on April 27, 2004 and whose term expires
12 on January 10, 2007 shall instead terminate on the effective
13 date of this amendatory Act of the 93rd General Assembly. The
14 member initially appointed pursuant to this amendatory Act of
15 the 93rd General Assembly to fill this seat shall be the
16 chairperson and shall serve until the second Wednesday of
17 January, 2007.

18 The term of the member of the State Board of Education
19 whose seat was vacant on May 28, 2004 but after April 27, 2004
20 and whose term expires on January 10, 2007 shall instead
21 terminate on the effective date of this amendatory Act of the
22 93rd General Assembly. The member initially appointed pursuant
23 to this amendatory Act of the 93rd General Assembly to fill
24 this seat shall serve until the second Wednesday of January,
25 2007.

26 The term of the other member of the State Board of
27 Education whose term expires on January 10, 2007 shall instead
28 terminate on the effective date of this amendatory Act of the
29 93rd General Assembly. The member initially appointed pursuant
30 to this amendatory Act of the 93rd General Assembly to fill
31 this seat shall serve until the second Wednesday of January,
32 2007.

33 The term of the member of the State Board of Education
34 whose term expires on January 14, 2009 and who was selected
35 from among the 5 counties of the State that are contiguous to
36 Cook County and is a resident of Lake County shall instead

1 terminate on the effective date of this amendatory Act of the
2 93rd General Assembly. The member initially appointed pursuant
3 to this amendatory Act of the 93rd General Assembly to fill
4 this seat shall serve until the second Wednesday of January,
5 2009. At no time may more than 5 members of the Board be from
6 one political party. Party membership is defined as having
7 voted in the primary of the party in the last primary before
8 appointment. The 9 members initially appointed pursuant to this
9 amendatory Act of 1996 shall draw lots to determine 3 of their
10 number who shall serve until the second Wednesday of January,
11 2003, 3 of their number who shall serve until the second
12 Wednesday of January, 2001, and 3 of their number who shall
13 serve until the second Wednesday of January, 1999.

14 Upon expiration of the terms of the members initially
15 appointed under this amendatory Act of the 93rd General
16 Assembly and members whose terms were not terminated by this
17 amendatory Act of the 93rd General Assembly 1996, their
18 respective successors shall be appointed for terms of 4 ~~6~~
19 years, from the second Wednesday in January of each odd
20 numbered year and until their respective successors are
21 appointed and qualified.

22 (c) Of the 4 members, excluding the chairperson, whose
23 terms expire on the second Wednesday of January, 2007 and every
24 4 years thereafter, one of those members must be an at-large
25 member and at no time may more than 2 of those members be from
26 one political party. Of the 4 members whose terms expire on the
27 second Wednesday of January, 2009 and every 4 years thereafter,
28 one of those members must be an at-large member and at no time
29 may more than 2 of those members be from one political party.
30 Party membership is defined as having voted in the primary of
31 the party in the last primary before appointment.

32 (d) Vacancies in terms shall be filled by appointment by
33 the Governor with the advice and consent of the Senate for the
34 extent of the unexpired term. If a vacancy in membership occurs
35 at a time when the Senate is not in session, the Governor shall
36 make a temporary appointment until the next meeting of the

1 Senate, when the Governor shall appoint a person to fill that
2 membership for the remainder of its term. If the Senate is not
3 in session when appointments for a full term are made, the
4 appointments shall be made as in the case of vacancies.

5 (Source: P.A. 89-610, eff. 8-6-96.)

6 (105 ILCS 5/1A-2.1) (from Ch. 122, par. 1A-2.1)

7 Sec. 1A-2.1. Vacancies. The Governor may remove for
8 incompetence, neglect of duty, or malfeasance in office any
9 member of the State Board of Education. A vacancy also exists
10 on the State Board of Education when one or more of the
11 following events occur:

12 1. A ~~a~~ member dies.†

13 2. A ~~a~~ member files a written resignation with the
14 Governor.†

15 3. A ~~a~~ member is adjudicated to be a person under legal
16 disability under the Probate Act of 1975, ~~as amended,~~ or a
17 person subject to involuntary admission under the Mental Health
18 and Developmental Disabilities Code.†

19 4. A ~~a~~ member ceases to be a resident of the region
20 ~~judicial district~~ from which he or she was appointed.†

21 5. A ~~a~~ member is convicted of an infamous crime~~,~~ or of any
22 offense involving a violation of his or her duties under this
23 Code. ~~Act.~~

24 6. A ~~a~~ member fails to maintain the qualifications stated
25 in Section 1A-2 of this Code ~~Act~~.

26 (Source: P.A. 83-706.)

27 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

28 Sec. 1A-4. Powers and duties of the Board.

29 A. (Blank). ~~Upon the appointment of new Board members as~~
30 ~~provided in subsection (b) of Section 1A-1 and every 2 years~~
31 ~~thereafter, the chairperson of the Board shall be selected by~~
32 ~~the Governor, with the advice and consent of the Senate, from~~
33 ~~the membership of the Board to serve as chairperson for 2~~
34 ~~years.~~

1 B. The Board shall determine the qualifications of and
2 appoint a chief education officer, to be known as the State
3 Superintendent of Education, who may be proposed by the
4 Governor and who shall serve at the pleasure of the Board and
5 pursuant to a performance-based contract linked to statewide
6 student performance and academic improvement within Illinois
7 schools. Upon expiration or buyout of the contract of the State
8 Superintendent of Education in office on the effective date of
9 this amendatory Act of the 93rd General Assembly, a State
10 Superintendent of Education shall be appointed by a State Board
11 of Education that includes the 7 new Board members who were
12 appointed to fill seats of members whose terms were terminated
13 on the effective date of this amendatory Act of the 93rd
14 General Assembly. Thereafter, a State Superintendent of
15 Education must, at a minimum, be appointed at the beginning of
16 each term of a Governor after that Governor has made
17 appointments to the Board. A ~~no~~ performance-based contract
18 issued for the employment of a ~~the~~ State Superintendent of
19 Education entered into on or after the effective date of this
20 amendatory Act of the 93rd General Assembly must expire no
21 later than February 1, 2007, and subsequent contracts must
22 expire no later than February 1 each 4 years thereafter. No
23 shall be for a term longer than 3 years and no contract shall
24 be extended or renewed beyond February 1, 2007 and February 1
25 each 4 years thereafter, but a State Superintendent of
26 Education shall serve until his or her successor is appointed
27 prior to its scheduled expiration unless the performance and
28 improvement goals contained in the contract have been met. Each
29 contract entered into on or before January 8, 2007 with a State
30 Superintendent of Education must provide that the State Board
31 of Education may terminate the contract for cause, and the
32 State Board of Education shall not thereafter be liable for
33 further payments under the contract. With regard to this
34 amendatory Act of the 93rd General Assembly, it is the intent
35 of the General Assembly that, beginning with the Governor who
36 takes office on the second Monday of January, 2007, a State

1 Superintendent of Education be appointed at the beginning of
2 each term of a Governor after that Governor has made
3 appointments to the Board. The State Superintendent of
4 Education shall not serve as a member of the State Board of
5 Education. The Board shall set the compensation of the State
6 Superintendent of Education who shall serve as the Board's
7 chief executive officer. The Board shall also establish the
8 duties, powers and responsibilities of the State
9 Superintendent, which shall be included in the State
10 Superintendent's performance-based contract along with the
11 goals and indicators of student performance and academic
12 improvement used to measure the performance and effectiveness
13 of the State Superintendent. The State Board of Education may
14 delegate to the State Superintendent of Education the authority
15 to act on the Board's behalf, provided such delegation is made
16 pursuant to adopted board policy or the powers delegated are
17 ministerial in nature. The State Board may not delegate
18 authority under this Section to the State Superintendent to (1)
19 nonrecognize school districts, (2) withhold State payments as a
20 penalty, or (3) make final decisions under the contested case
21 provisions of the Illinois Administrative Procedure Act unless
22 otherwise provided by law.

23 C. The powers and duties of the State Board of Education
24 shall encompass all duties delegated to the Office of
25 Superintendent of Public Instruction on January 12, 1975,
26 except as the law providing for such powers and duties is
27 thereafter amended, and such other powers and duties as the
28 General Assembly shall designate. The Board shall be
29 responsible for the educational policies and guidelines for
30 public schools, pre-school through grade 12 and Vocational
31 Education in the State of Illinois. The Board shall analyze the
32 present and future aims, needs, and requirements of education
33 in the State of Illinois and recommend to the General Assembly
34 the powers which should be exercised by the Board. The Board
35 shall recommend the passage and the legislation necessary to
36 determine the appropriate relationship between the Board and

1 local boards of education and the various State agencies and
2 shall recommend desirable modifications in the laws which
3 affect schools.

4 D. Two members of the Board shall be appointed by the
5 chairperson to serve on a standing joint Education Committee, 2
6 others shall be appointed from the Board of Higher Education, 2
7 others shall be appointed by the chairperson of the Illinois
8 Community College Board, and 2 others shall be appointed by the
9 chairperson of the Human Resource Investment Council. The
10 Committee shall be responsible for making recommendations
11 concerning the submission of any workforce development plan or
12 workforce training program required by federal law or under any
13 block grant authority. The Committee will be responsible for
14 developing policy on matters of mutual concern to elementary,
15 secondary and higher education such as Occupational and Career
16 Education, Teacher Preparation and Certification, Educational
17 Finance, Articulation between Elementary, Secondary and Higher
18 Education and Research and Planning. The joint Education
19 Committee shall meet at least quarterly and submit an annual
20 report of its findings, conclusions, and recommendations to the
21 State Board of Education, the Board of Higher Education, the
22 Illinois Community College Board, the Human Resource
23 Investment Council, the Governor, and the General Assembly. All
24 meetings of this Committee shall be official meetings for
25 reimbursement under this Act.

26 E. Five members of the Board shall constitute a quorum. A
27 majority vote of the members appointed, confirmed and serving
28 on the Board is required to approve any action, except that the
29 7 new Board members who were appointed to fill seats of members
30 whose terms were terminated on the effective date of this
31 amendatory act of the 93rd General Assembly may vote to approve
32 actions when appointed and serving.

33 The Board shall prepare and submit to the General Assembly
34 and the Governor on or before January 14, 1976 and annually
35 thereafter a report or reports of its findings and
36 recommendations. Such annual report shall contain a separate

1 section which provides a critique and analysis of the status of
2 education in Illinois and which identifies its specific
3 problems and recommends express solutions therefor. Such
4 annual report also shall contain the following information for
5 the preceding year ending on June 30: each act or omission of a
6 school district of which the State Board of Education has
7 knowledge as a consequence of scheduled, approved visits and
8 which constituted a failure by the district to comply with
9 applicable State or federal laws or regulations relating to
10 public education, the name of such district, the date or dates
11 on which the State Board of Education notified the school
12 district of such act or omission, and what action, if any, the
13 school district took with respect thereto after being notified
14 thereof by the State Board of Education. The report shall also
15 include the statewide high school dropout rate by grade level,
16 sex and race and the annual student dropout rate of and the
17 number of students who graduate from, transfer from or
18 otherwise leave bilingual programs. The Auditor General shall
19 annually perform a compliance audit of the State Board of
20 Education's performance of the reporting duty imposed by this
21 amendatory Act of 1986. A regular system of communication with
22 other directly related State agencies shall be implemented.

23 The requirement for reporting to the General Assembly shall
24 be satisfied by filing copies of the report with the Speaker,
25 the Minority Leader and the Clerk of the House of
26 Representatives and the President, the Minority Leader and the
27 Secretary of the Senate and the Legislative Council, as
28 required by Section 3.1 of the General Assembly Organization
29 Act, and filing such additional copies with the State
30 Government Report Distribution Center for the General Assembly
31 as is required under paragraph (t) of Section 7 of the State
32 Library Act.

33 F. Upon appointment of the 7 new Board members who were
34 appointed to fill seats of members whose terms were terminated
35 on the effective date of this amendatory Act of the 93rd
36 General Assembly, the Board shall review all of its current

1 rules in an effort to streamline procedures, improve
2 efficiency, and eliminate unnecessary forms and paperwork.

3 (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96;
4 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

5 (105 ILCS 5/1A-10 new)

6 Sec. 1A-10. Divisions of Board. The State Board of
7 Education shall, before April 1, 2005, create divisions within
8 the Board, including without limitation the following:

9 (1) Teaching and Learning Services for All Children.

10 (2) School Support Services for All Schools.

11 (3) Fiscal Support Services.

12 (4) Special Education Services.

13 (5) Internal Auditor.

14 (6) Human Resources.

15 The State Board of Education may, after consultation with the
16 General Assembly, add any divisions or functions to the Board
17 that it deems appropriate and consistent with Illinois law.

18 (105 ILCS 5/2-3.6) (from Ch. 122, par. 2-3.6)

19 Sec. 2-3.6. Rules and policies. To make rules, in
20 accordance with the Illinois Administrative Procedure Act,
21 that are necessary to carry into efficient and uniform effect
22 all laws for establishing and maintaining free schools in the
23 State. The State Board of Education may not adopt any rule or
24 policy that alters the intent of the authorizing law or that
25 supersedes federal or State law. The Board may not make
26 policies affecting school districts that have the effect of
27 rules without following the procedures of the Illinois
28 Administrative Procedure Act.

29 (Source: Laws 1961, p. 31.)

30 (105 ILCS 5/2-3.47a new)

31 Sec. 2-3.47a. Strategic plan.

32 (a) The State Board of Education shall develop and maintain
33 a continuing 5-year comprehensive strategic plan for

1 elementary and secondary education. The strategic plan shall
2 include without limitation all of the following topic areas:

3 (1) Service and support to school districts to improve
4 student performance.

5 (2) Equity, adequacy, and predictability of
6 educational opportunities and resources for all schools.

7 (3) Program development and improvements, including
8 financial planning and support services.

9 (4) Efficient means of delivering services to schools
10 on a regional basis.

11 (5) Assistance to students at risk of academic failure
12 and the use of proven support programs and services to
13 close the achievement gap.

14 (6) Educational research and development and access
15 and training in the use of a centralized student
16 achievement data system.

17 (7) Recommendations for streamlining the School Code
18 to eliminate laws that interfere with local control, taking
19 into account those foundational standards that have
20 already been established.

21 (8) Streamlining certification of teachers and
22 administrators to provide quality personnel and ongoing
23 professional development.

24 (9) Support services to enhance the capacity of school
25 districts to meet federal and State statutory standards.

26 (10) Enhanced technology for use in administration,
27 classroom, and nontraditional educational settings.

28 (11) Recognition of successful, exemplary schools.

29 (12) The unique needs of rural school districts.

30 (13) School reorganization issues.

31 (14) Attraction and retention of qualified teachers.

32 (15) Additional duties that should be assigned to
33 regional offices of education and regional administrative
34 service centers to support local control of school
35 districts and eliminate any duplication and inefficiency.

36 The State Board of Education shall consult with the educational

1 community, hold public hearings, and receive input from all
2 interested groups in drafting the strategic plan.

3 (b) To meet the requirements of this Section, the State
4 Board of Education shall issue to the Governor and General
5 Assembly a preliminary report within 6 months after the
6 effective date of this amendatory Act of the 93rd General
7 Assembly and a final 5-year strategic plan within one year
8 after the effective date of this amendatory Act of the 93rd
9 General Assembly. Thereafter, the strategic plan shall be
10 updated and issued to the Governor and General Assembly on or
11 before July 1 of each year.

12 (105 ILCS 5/2-3.62a new)

13 Sec. 2-3.62a. Regional services. The State Board of
14 Education is granted the power to provide the following
15 regional services, either through a regional administrative
16 technology center or otherwise:

17 (1) Coordinate the delivery of educational resources
18 and support services statewide, including assistance in
19 complying with State and federal law.

20 (2) Issue annual report cards, in conjunction with
21 school report cards under Section 10-17a of this Code and
22 in cooperation with school districts, for regional offices
23 of education, grading without limitation all of the
24 following:

25 (A) The efficiency and effectiveness of school
26 districts served resulting from technical assistance
27 and program support.

28 (B) The regional delivery of quality services.

29 (C) School district satisfaction.

30 (D) Delivery of support services that enhance
31 student performance.

32 (3) Direct services provided to assist schools
33 designated as not meeting Illinois learning and federal
34 student performance standards.

35 (4) Support programs and services to close the

1 achievement gap.

2 (5) Assist school districts in pooling administrative
3 or other services and facilitate cooperation among school
4 districts that may be able to achieve economies of scale
5 through shared services. The State Board of Education may
6 exercise this power in cooperation with regional
7 superintendents of schools. The State Board shall not have
8 the power to require a school district to enter into a
9 shared service agreement.

10 (105 ILCS 5/3-14.30 new)

11 Sec. 3-14.30. Grant applications. To assist and support
12 school districts with the preparation and submission of grant
13 applications.

14 (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

15 Sec. 10-19. Length of school term - experimental programs.
16 Each school board shall annually prepare a calendar for the
17 school term, specifying the opening and closing dates and
18 providing a minimum term of at least 185 days to insure 176
19 days of actual pupil attendance, computable under Section
20 18-8.05, except that for the 1980-1981 school year only 175
21 days of actual pupil attendance shall be required because of
22 the closing of schools pursuant to Section 24-2 on January 29,
23 1981 upon the appointment by the President of that day as a day
24 of thanksgiving for the freedom of the Americans who had been
25 held hostage in Iran. Any days allowed by law for teachers'
26 institute but not used as such or used as parental institutes
27 as provided in Section 10-22.18d shall increase the minimum
28 term by the school days not so used. Except as provided in
29 Section 10-19.1, the board may not extend the school term
30 beyond such closing date unless that extension of term is
31 necessary to provide the minimum number of computable days. In
32 case of such necessary extension school employees shall be paid
33 for such additional time on the basis of their regular
34 contracts. A school board may specify a closing date earlier

1 than that set on the annual calendar when the schools of the
2 district have provided the minimum number of computable days
3 under this Section. Nothing in this Section prevents the board
4 from employing superintendents of schools, principals and
5 other nonteaching personnel for a period of 12 months, or in
6 the case of superintendents for a period in accordance with
7 Section 10-23.8, or prevents the board from employing other
8 personnel before or after the regular school term with payment
9 of salary proportionate to that received for comparable work
10 during the school term.

11 A school board may make such changes in its calendar for
12 the school term as may be required by any changes in the legal
13 school holidays prescribed in Section 24-2. A school board may
14 make changes in its calendar for the school term as may be
15 necessary to reflect the utilization of teachers' institute
16 days as parental institute days as provided in Section
17 10-22.18d.

18 The calendar for the school term and any changes must be
19 submitted to and approved by the regional superintendent of
20 schools before the calendar or changes may take effect.

21 With the prior approval of the State Board of Education and
22 subject to review by the State Board of Education every 3
23 years, any school board may, by resolution of its board and in
24 agreement with affected exclusive collective bargaining
25 agents, establish experimental educational programs, including
26 but not limited to programs for self-directed learning or
27 outside of formal class periods, which programs when so
28 approved shall be considered to comply with the requirements of
29 this Section as respects numbers of days of actual pupil
30 attendance and with the other requirements of this Act as
31 respects courses of instruction.

32 (Source: P.A. 91-96, eff. 7-9-99.)

33 (105 ILCS 5/10-20.21) (from Ch. 122, par. 10-20.21)

34 Sec. 10-20.21. Contracts.

35 (a) To award all contracts for purchase of supplies,

1 materials or work or contracts with private carriers for
2 transportation of pupils involving an expenditure in excess of
3 \$10,000 to the lowest responsible bidder, considering
4 conformity with specifications, terms of delivery, quality and
5 serviceability, after due advertisement, except the following:
6 (i) contracts for the services of individuals possessing a high
7 degree of professional skill where the ability or fitness of
8 the individual plays an important part; (ii) contracts for the
9 printing of finance committee reports and departmental
10 reports; (iii) contracts for the printing or engraving of
11 bonds, tax warrants and other evidences of indebtedness; (iv)
12 contracts for the purchase of perishable foods and perishable
13 beverages; (v) contracts for materials and work which have been
14 awarded to the lowest responsible bidder after due
15 advertisement, but due to unforeseen revisions, not the fault
16 of the contractor for materials and work, must be revised
17 causing expenditures not in excess of 10% of the contract
18 price; (vi) contracts for the maintenance or servicing of, or
19 provision of repair parts for, equipment which are made with
20 the manufacturer or authorized service agent of that equipment
21 where the provision of parts, maintenance, or servicing can
22 best be performed by the manufacturer or authorized service
23 agent; (vii) purchases and contracts for the use, purchase,
24 delivery, movement, or installation of data processing
25 equipment, software, or services and telecommunications and
26 interconnect equipment, software, and services; (viii)
27 contracts for duplicating machines and supplies; (ix)
28 contracts for the purchase of natural gas when the cost is less
29 than that offered by a public utility; (x) purchases of
30 equipment previously owned by some entity other than the
31 district itself; (xi) contracts for repair, maintenance,
32 remodeling, renovation, or construction, or a single project
33 involving an expenditure not to exceed \$20,000 and not
34 involving a change or increase in the size, type, or extent of
35 an existing facility; (xii) contracts for goods or services
36 procured from another governmental agency; (xiii) contracts

1 for goods or services which are economically procurable from
2 only one source, such as for the purchase of magazines, books,
3 periodicals, pamphlets and reports, and for utility services
4 such as water, light, heat, telephone or telegraph; ~~and~~ (xiv)
5 where funds are expended in an emergency and such emergency
6 expenditure is approved by 3/4 of the members of the board; and
7 (xv) State master contracts authorized under Article 28A of
8 this Code.

9 All competitive bids for contracts involving an
10 expenditure in excess of \$10,000 must be sealed by the bidder
11 and must be opened by a member or employee of the school board
12 at a public bid opening at which the contents of the bids must
13 be announced. Each bidder must receive at least 3 days' notice
14 of the time and place of the bid opening. For purposes of this
15 Section due advertisement includes, but is not limited to, at
16 least one public notice at least 10 days before the bid date in
17 a newspaper published in the district, or if no newspaper is
18 published in the district, in a newspaper of general
19 circulation in the area of the district. State master contracts
20 and certified education purchasing contracts, as defined in
21 Article 28A of this Code, are not subject to the requirements
22 of this paragraph.

23 (b) To require, as a condition of any contract for goods
24 and services, that persons bidding for and awarded a contract
25 and all affiliates of the person collect and remit Illinois Use
26 Tax on all sales of tangible personal property into the State
27 of Illinois in accordance with the provisions of the Illinois
28 Use Tax Act regardless of whether the person or affiliate is a
29 "retailer maintaining a place of business within this State" as
30 defined in Section 2 of the Use Tax Act. For purposes of this
31 Section, the term "affiliate" means any entity that (1)
32 directly, indirectly, or constructively controls another
33 entity, (2) is directly, indirectly, or constructively
34 controlled by another entity, or (3) is subject to the control
35 of a common entity. For purposes of this subsection (b), an
36 entity controls another entity if it owns, directly or

1 individually, more than 10% of the voting securities of that
2 entity. As used in this subsection (b), the term "voting
3 security" means a security that (1) confers upon the holder the
4 right to vote for the election of members of the board of
5 directors or similar governing body of the business or (2) is
6 convertible into, or entitles the holder to receive upon its
7 exercise, a security that confers such a right to vote. A
8 general partnership interest is a voting security.

9 To require that bids and contracts include a certification
10 by the bidder or contractor that the bidder or contractor is
11 not barred from bidding for or entering into a contract under
12 this Section and that the bidder or contractor acknowledges
13 that the school board may declare the contract void if the
14 certification completed pursuant to this subsection (b) is
15 false.

16 (c) If the State education purchasing entity creates a
17 master contract as defined in Article 28A of this Code, then
18 the State education purchasing entity shall notify school
19 districts of the existence of the master contract.

20 (d) In purchasing supplies, materials, equipment, or
21 services that are not subject to subsection (c) of this
22 Section, before a school district solicits bids or awards a
23 contract, the district may review and consider as a bid under
24 subsection (a) of this Section certified education purchasing
25 contracts that are already available through the State
26 education purchasing entity.

27 (Source: P.A. 93-25, eff. 6-20-03.)

28 (105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

29 Sec. 21-1b. Subject endorsement on certificates. All
30 certificates initially issued under this Article after June 30,
31 1986, shall be specifically endorsed by the State Board of
32 Education for each subject the holder of the certificate is
33 legally qualified to teach, such endorsements to be made in
34 accordance with standards promulgated by the State Board of
35 Education in consultation with the State Teacher Certification

1 Board. The regional superintendent of schools, however, has the
2 duty, after appropriate training, to accept and review all
3 transcripts for new initial certificate applications and
4 ensure that each applicant has met all of the criteria
5 established by the State Board of Education in consultation
6 with the State Teacher Certification Board. All certificates
7 which are issued under this Article prior to July 1, 1986 may,
8 by application to the State Board of Education, be specifically
9 endorsed for each subject the holder is legally qualified to
10 teach. Endorsements issued under this Section shall not apply
11 to substitute teacher's certificates issued under Section 21-9
12 of this Code.

13 Commencing July 1, 1999, each application for endorsement
14 of an existing teaching certificate shall be accompanied by a
15 \$30 nonrefundable fee. There is hereby created a Teacher
16 Certificate Fee Revolving Fund as a special fund within the
17 State Treasury. The proceeds of each \$30 fee shall be paid into
18 the Teacher Certificate Fee Revolving Fund; and the moneys in
19 that Fund shall be appropriated and used to provide the
20 technology and other resources necessary for the timely and
21 efficient processing of certification requests.

22 (Source: P.A. 91-102, eff. 7-12-99.)

23 (105 ILCS 5/21-1c) (from Ch. 122, par. 21-1c)

24 Sec. 21-1c. Exclusive certificate authority. Only the
25 State Board of Education and State Teacher Certification Board,
26 acting in accordance with the applicable provisions of this Act
27 and the rules, regulations and standards promulgated
28 thereunder, shall have the authority to issue or endorse any
29 certificate required for teaching, supervising or holding
30 certificated employment in the public schools; and no other
31 State agency shall have any power or authority (i) to establish
32 or prescribe any qualifications or other requirements
33 applicable to the issuance or endorsement of any such
34 certificate, or (ii) to establish or prescribe any licensure or
35 equivalent requirement which must be satisfied in order to

1 teach, supervise or hold certificated employment in the public
2 schools. The regional superintendent of schools, however, has
3 the duty, after appropriate training, to accept and review all
4 transcripts for new initial certificate applications and
5 ensure that each applicant has met all of the criteria
6 established by the State Board of Education in consultation
7 with the State Teacher Certification Board. This Section does
8 not prohibit the State Board of Education, in consultation with
9 the State Teacher Certification Board, from delegating to
10 regional superintendents of schools the authority to grant
11 temporary employment authorizations to teacher applicants
12 whose qualifications have been confirmed by the State Board of
13 Education, in consultation with the State Teacher
14 Certification Board.

15 (Source: P.A. 91-102, eff. 7-12-99.)

16 (105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

17 Sec. 21-12. Printing; Seal; Signature; Credentials. All
18 certificates shall be printed by and bear the signatures of the
19 chairman and of the secretary of the State Teacher
20 Certification Board. Each certificate shall show the
21 integrally printed seal of the State Teacher Certification
22 Board. All college credentials offered as the basis of a
23 certificate shall be presented to the secretary of the State
24 Teacher Certification Board for inspection and approval. The
25 regional superintendent of schools, however, has the duty,
26 after appropriate training, to accept and review all
27 transcripts for new initial certificate applications and
28 ensure that each applicant has met all of the criteria
29 established by the State Board of Education in consultation
30 with the State Teacher Certification Board.

31 Commencing July 1, 1999, each application for a certificate
32 or evaluation of credentials shall be accompanied by an
33 evaluation fee of \$30 payable to the State Superintendent of
34 Education, which is not refundable, except that no application
35 or evaluation fee shall be required for a Master Certificate

1 issued pursuant to subsection (d) of Section 21-2 of this Code.
2 The proceeds of each \$30 fee shall be paid into the Teacher
3 Certificate Fee Revolving Fund, created under Section 21-1b of
4 this Code; and the moneys in that Fund shall be appropriated
5 and used to provide the technology and other resources
6 necessary for the timely and efficient processing of
7 certification requests.

8 When evaluation verifies the requirements for a valid
9 certificate, the applicant shall be issued an entitlement card
10 that may be presented to a regional superintendent of schools
11 for issuance of a certificate.

12 The applicant shall be notified of any deficiencies.
13 (Source: P.A. 91-102, eff. 7-12-99; 91-357, eff. 7-29-99.)

14 (105 ILCS 5/Art. 28A heading new)

15 ARTICLE 28A. Education Purchasing Program.

16 (105 ILCS 5/28A-5 new)

17 Sec. 28A-5. Definitions. In this Article:

18 "State Board" means the State Board of Education.

19 "Education purchasing contract" means a contract
20 negotiated by the State Board, a local, State, or federal
21 governmental entity, or a not-for-profit, for-profit, or
22 cooperative entity that is certified under Section 28A-15 of
23 this Code and made available to school districts.

24 "Master contract" means a contract designated as a
25 statewide education master contract under Section 28A-15 of
26 this Code.

27 "Program" means the education purchasing program created
28 under this Article.

29 (105 ILCS 5/28A-10 new)

30 Sec. 28A-10. Program created. The State Board shall create
31 an education purchasing program. Under the program, the State
32 Board shall designate itself or another entity to act as a
33 State education purchasing entity to form and designate

1 statewide education master contracts and to certify education
2 purchasing contracts for key categories identified and defined
3 by the State Board. The State education purchasing entity shall
4 provide master contract and education purchasing contract
5 information and pricing to school districts.

6 (105 ILCS 5/28A-15 new)

7 Sec. 28A-15. Powers of State education purchasing entity.
8 The State education purchasing entity shall have all of the
9 following powers:

10 (1) To select vendors and form contracts in accordance
11 with the State's purchasing laws.

12 (2) To designate a contract as a statewide education
13 master contract for purposes of subsection (c) of Section
14 10-20.21 of this Code.

15 (3) To certify an education purchasing contract,
16 provided that the contract was entered into according to
17 procedures and conditions that conform to applicable State
18 purchasing laws, for purposes of subsection (d) of Section
19 10-20.21 of this Code.

20 (4) To facilitate the inter-district sale or transfer
21 of excess inventory or equipment.

22 (5) To select and subsidize e-procurement tools to be
23 implemented within school districts.

24 (105 ILCS 5/28A-20 new)

25 Sec. 28A-20. Rules. The State Board or other State agency
26 designated by the State Board may adopt rules to implement the
27 program.

28 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

29 Sec. 34-18. Powers of the board. The board shall exercise
30 general supervision and jurisdiction over the public education
31 and the public school system of the city, and, except as
32 otherwise provided by this Article, shall have power:

33 1. To make suitable provision for the establishment and

1 maintenance throughout the year or for such portion thereof
2 as it may direct, not less than 9 months, of schools of all
3 grades and kinds, including normal schools, high schools,
4 night schools, schools for defectives and delinquents,
5 parental and truant schools, schools for the blind, the
6 deaf and the crippled, schools or classes in manual
7 training, constructural and vocational teaching, domestic
8 arts and physical culture, vocation and extension schools
9 and lecture courses, and all other educational courses and
10 facilities, including establishing, equipping, maintaining
11 and operating playgrounds and recreational programs, when
12 such programs are conducted in, adjacent to, or connected
13 with any public school under the general supervision and
14 jurisdiction of the board; provided, ~~however,~~ that the
15 calendar for the school term and any changes must be
16 submitted to and approved by the State Board of Education
17 before the calendar or changes may take effect, and
18 provided that in allocating funds from year to year for the
19 operation of all attendance centers within the district,
20 the board shall ensure that supplemental general State aid
21 funds are allocated and applied in accordance with Section
22 18-8 or 18-8.05. To admit to such schools without charge
23 foreign exchange students who are participants in an
24 organized exchange student program which is authorized by
25 the board. The board shall permit all students to enroll in
26 apprenticeship programs in trade schools operated by the
27 board, whether those programs are union-sponsored or not.
28 No student shall be refused admission into or be excluded
29 from any course of instruction offered in the common
30 schools by reason of that student's sex. No student shall
31 be denied equal access to physical education and
32 interscholastic athletic programs supported from school
33 district funds or denied participation in comparable
34 physical education and athletic programs solely by reason
35 of the student's sex. Equal access to programs supported
36 from school district funds and comparable programs will be

1 defined in rules promulgated by the State Board of
2 Education in consultation with the Illinois High School
3 Association. Notwithstanding any other provision of this
4 Article, neither the board of education nor any local
5 school council or other school official shall recommend
6 that children with disabilities be placed into regular
7 education classrooms unless those children with
8 disabilities are provided with supplementary services to
9 assist them so that they benefit from the regular classroom
10 instruction and are included on the teacher's regular
11 education class register;

12 2. To furnish lunches to pupils, to make a reasonable
13 charge therefor, and to use school funds for the payment of
14 such expenses as the board may determine are necessary in
15 conducting the school lunch program;

16 3. To co-operate with the circuit court;

17 4. To make arrangements with the public or quasi-public
18 libraries and museums for the use of their facilities by
19 teachers and pupils of the public schools;

20 5. To employ dentists and prescribe their duties for
21 the purpose of treating the pupils in the schools, but
22 accepting such treatment shall be optional with parents or
23 guardians;

24 6. To grant the use of assembly halls and classrooms
25 when not otherwise needed, including light, heat, and
26 attendants, for free public lectures, concerts, and other
27 educational and social interests, free of charge, under
28 such provisions and control as the principal of the
29 affected attendance center may prescribe;

30 7. To apportion the pupils to the several schools;
31 provided that no pupil shall be excluded from or segregated
32 in any such school on account of his color, race, sex, or
33 nationality. The board shall take into consideration the
34 prevention of segregation and the elimination of
35 separation of children in public schools because of color,
36 race, sex, or nationality. Except that children may be

1 committed to or attend parental and social adjustment
2 schools established and maintained either for boys or girls
3 only. All records pertaining to the creation, alteration or
4 revision of attendance areas shall be open to the public.
5 Nothing herein shall limit the board's authority to
6 establish multi-area attendance centers or other student
7 assignment systems for desegregation purposes or
8 otherwise, and to apportion the pupils to the several
9 schools. Furthermore, beginning in school year 1994-95,
10 pursuant to a board plan adopted by October 1, 1993, the
11 board shall offer, commencing on a phased-in basis, the
12 opportunity for families within the school district to
13 apply for enrollment of their children in any attendance
14 center within the school district which does not have
15 selective admission requirements approved by the board.
16 The appropriate geographical area in which such open
17 enrollment may be exercised shall be determined by the
18 board of education. Such children may be admitted to any
19 such attendance center on a space available basis after all
20 children residing within such attendance center's area
21 have been accommodated. If the number of applicants from
22 outside the attendance area exceed the space available,
23 then successful applicants shall be selected by lottery.
24 The board of education's open enrollment plan must include
25 provisions that allow low income students to have access to
26 transportation needed to exercise school choice. Open
27 enrollment shall be in compliance with the provisions of
28 the Consent Decree and Desegregation Plan cited in Section
29 34-1.01;

30 8. To approve programs and policies for providing
31 transportation services to students. Nothing herein shall
32 be construed to permit or empower the State Board of
33 Education to order, mandate, or require busing or other
34 transportation of pupils for the purpose of achieving
35 racial balance in any school;

36 9. Subject to the limitations in this Article, to

1 establish and approve system-wide curriculum objectives
2 and standards, including graduation standards, which
3 reflect the multi-cultural diversity in the city and are
4 consistent with State law, provided that for all purposes
5 of this Article courses or proficiency in American Sign
6 Language shall be deemed to constitute courses or
7 proficiency in a foreign language; and to employ principals
8 and teachers, appointed as provided in this Article, and
9 fix their compensation. The board shall prepare such
10 reports related to minimal competency testing as may be
11 requested by the State Board of Education, and in addition
12 shall monitor and approve special education and bilingual
13 education programs and policies within the district to
14 assure that appropriate services are provided in
15 accordance with applicable State and federal laws to
16 children requiring services and education in those areas;

17 10. To employ non-teaching personnel or utilize
18 volunteer personnel for: (i) non-teaching duties not
19 requiring instructional judgment or evaluation of pupils,
20 including library duties; and (ii) supervising study
21 halls, long distance teaching reception areas used
22 incident to instructional programs transmitted by
23 electronic media such as computers, video, and audio,
24 detention and discipline areas, and school-sponsored
25 extracurricular activities. The board may further utilize
26 volunteer non-certificated personnel or employ
27 non-certificated personnel to assist in the instruction of
28 pupils under the immediate supervision of a teacher holding
29 a valid certificate, directly engaged in teaching subject
30 matter or conducting activities; provided that the teacher
31 shall be continuously aware of the non-certificated
32 persons' activities and shall be able to control or modify
33 them. The general superintendent shall determine
34 qualifications of such personnel and shall prescribe rules
35 for determining the duties and activities to be assigned to
36 such personnel;

1 10.5. To utilize volunteer personnel from a regional
2 School Crisis Assistance Team (S.C.A.T.), created as part
3 of the Safe to Learn Program established pursuant to
4 Section 25 of the Illinois Violence Prevention Act of 1995,
5 to provide assistance to schools in times of violence or
6 other traumatic incidents within a school community by
7 providing crisis intervention services to lessen the
8 effects of emotional trauma on individuals and the
9 community; the School Crisis Assistance Team Steering
10 Committee shall determine the qualifications for
11 volunteers;

12 11. To provide television studio facilities in not to
13 exceed one school building and to provide programs for
14 educational purposes, provided, however, that the board
15 shall not construct, acquire, operate, or maintain a
16 television transmitter; to grant the use of its studio
17 facilities to a licensed television station located in the
18 school district; and to maintain and operate not to exceed
19 one school radio transmitting station and provide programs
20 for educational purposes;

21 12. To offer, if deemed appropriate, outdoor education
22 courses, including field trips within the State of
23 Illinois, or adjacent states, and to use school educational
24 funds for the expense of the said outdoor educational
25 programs, whether within the school district or not;

26 13. During that period of the calendar year not
27 embraced within the regular school term, to provide and
28 conduct courses in subject matters normally embraced in the
29 program of the schools during the regular school term and
30 to give regular school credit for satisfactory completion
31 by the student of such courses as may be approved for
32 credit by the State Board of Education;

33 14. To insure against any loss or liability of the
34 board, the former School Board Nominating Commission,
35 Local School Councils, the Chicago Schools Academic
36 Accountability Council, or the former Subdistrict Councils

1 or of any member, officer, agent or employee thereof,
2 resulting from alleged violations of civil rights arising
3 from incidents occurring on or after September 5, 1967 or
4 from the wrongful or negligent act or omission of any such
5 person whether occurring within or without the school
6 premises, provided the officer, agent or employee was, at
7 the time of the alleged violation of civil rights or
8 wrongful act or omission, acting within the scope of his
9 employment or under direction of the board, the former
10 School Board Nominating Commission, the Chicago Schools
11 Academic Accountability Council, Local School Councils, or
12 the former Subdistrict Councils; and to provide for or
13 participate in insurance plans for its officers and
14 employees, including but not limited to retirement
15 annuities, medical, surgical and hospitalization benefits
16 in such types and amounts as may be determined by the
17 board; provided, however, that the board shall contract for
18 such insurance only with an insurance company authorized to
19 do business in this State. Such insurance may include
20 provision for employees who rely on treatment by prayer or
21 spiritual means alone for healing, in accordance with the
22 tenets and practice of a recognized religious
23 denomination;

24 15. To contract with the corporate authorities of any
25 municipality or the county board of any county, as the case
26 may be, to provide for the regulation of traffic in parking
27 areas of property used for school purposes, in such manner
28 as is provided by Section 11-209 of The Illinois Vehicle
29 Code, approved September 29, 1969, as amended;

30 16. (a) To provide, on an equal basis, access to a high
31 school campus and student directory information to the
32 official recruiting representatives of the armed forces of
33 Illinois and the United States for the purposes of
34 informing students of the educational and career
35 opportunities available in the military if the board has
36 provided such access to persons or groups whose purpose is

1 to acquaint students with educational or occupational
2 opportunities available to them. The board is not required
3 to give greater notice regarding the right of access to
4 recruiting representatives than is given to other persons
5 and groups. In this paragraph 16, "directory information"
6 means a high school student's name, address, and telephone
7 number.

8 (b) If a student or his or her parent or guardian
9 submits a signed, written request to the high school before
10 the end of the student's sophomore year (or if the student
11 is a transfer student, by another time set by the high
12 school) that indicates that the student or his or her
13 parent or guardian does not want the student's directory
14 information to be provided to official recruiting
15 representatives under subsection (a) of this Section, the
16 high school may not provide access to the student's
17 directory information to these recruiting representatives.
18 The high school shall notify its students and their parents
19 or guardians of the provisions of this subsection (b).

20 (c) A high school may require official recruiting
21 representatives of the armed forces of Illinois and the
22 United States to pay a fee for copying and mailing a
23 student's directory information in an amount that is not
24 more than the actual costs incurred by the high school.

25 (d) Information received by an official recruiting
26 representative under this Section may be used only to
27 provide information to students concerning educational and
28 career opportunities available in the military and may not
29 be released to a person who is not involved in recruiting
30 students for the armed forces of Illinois or the United
31 States;

32 17. (a) To sell or market any computer program
33 developed by an employee of the school district, provided
34 that such employee developed the computer program as a
35 direct result of his or her duties with the school district
36 or through the utilization of the school district resources

1 or facilities. The employee who developed the computer
2 program shall be entitled to share in the proceeds of such
3 sale or marketing of the computer program. The distribution
4 of such proceeds between the employee and the school
5 district shall be as agreed upon by the employee and the
6 school district, except that neither the employee nor the
7 school district may receive more than 90% of such proceeds.
8 The negotiation for an employee who is represented by an
9 exclusive bargaining representative may be conducted by
10 such bargaining representative at the employee's request.

11 (b) For the purpose of this paragraph 17:

12 (1) "Computer" means an internally programmed,
13 general purpose digital device capable of
14 automatically accepting data, processing data and
15 supplying the results of the operation.

16 (2) "Computer program" means a series of coded
17 instructions or statements in a form acceptable to a
18 computer, which causes the computer to process data in
19 order to achieve a certain result.

20 (3) "Proceeds" means profits derived from
21 marketing or sale of a product after deducting the
22 expenses of developing and marketing such product;

23 18. To delegate to the general superintendent of
24 schools, by resolution, the authority to approve contracts
25 and expenditures in amounts of \$10,000 or less;

26 19. Upon the written request of an employee, to
27 withhold from the compensation of that employee any dues,
28 payments or contributions payable by such employee to any
29 labor organization as defined in the Illinois Educational
30 Labor Relations Act. Under such arrangement, an amount
31 shall be withheld from each regular payroll period which is
32 equal to the pro rata share of the annual dues plus any
33 payments or contributions, and the board shall transmit
34 such withholdings to the specified labor organization
35 within 10 working days from the time of the withholding;

36 19a. Upon receipt of notice from the comptroller of a

1 municipality with a population of 500,000 or more, a county
2 with a population of 3,000,000 or more, the Cook County
3 Forest Preserve District, the Chicago Park District, the
4 Metropolitan Water Reclamation District, the Chicago
5 Transit Authority, or a housing authority of a municipality
6 with a population of 500,000 or more that a debt is due and
7 owing the municipality, the county, the Cook County Forest
8 Preserve District, the Chicago Park District, the
9 Metropolitan Water Reclamation District, the Chicago
10 Transit Authority, or the housing authority by an employee
11 of the Chicago Board of Education, to withhold, from the
12 compensation of that employee, the amount of the debt that
13 is due and owing and pay the amount withheld to the
14 municipality, the county, the Cook County Forest Preserve
15 District, the Chicago Park District, the Metropolitan
16 Water Reclamation District, the Chicago Transit Authority,
17 or the housing authority; provided, however, that the
18 amount deducted from any one salary or wage payment shall
19 not exceed 25% of the net amount of the payment. Before the
20 Board deducts any amount from any salary or wage of an
21 employee under this paragraph, the municipality, the
22 county, the Cook County Forest Preserve District, the
23 Chicago Park District, the Metropolitan Water Reclamation
24 District, the Chicago Transit Authority, or the housing
25 authority shall certify that (i) the employee has been
26 afforded an opportunity for a hearing to dispute the debt
27 that is due and owing the municipality, the county, the
28 Cook County Forest Preserve District, the Chicago Park
29 District, the Metropolitan Water Reclamation District, the
30 Chicago Transit Authority, or the housing authority and
31 (ii) the employee has received notice of a wage deduction
32 order and has been afforded an opportunity for a hearing to
33 object to the order. For purposes of this paragraph, "net
34 amount" means that part of the salary or wage payment
35 remaining after the deduction of any amounts required by
36 law to be deducted and "debt due and owing" means (i) a

1 specified sum of money owed to the municipality, the
2 county, the Cook County Forest Preserve District, the
3 Chicago Park District, the Metropolitan Water Reclamation
4 District, the Chicago Transit Authority, or the housing
5 authority for services, work, or goods, after the period
6 granted for payment has expired, or (ii) a specified sum of
7 money owed to the municipality, the county, the Cook County
8 Forest Preserve District, the Chicago Park District, the
9 Metropolitan Water Reclamation District, the Chicago
10 Transit Authority, or the housing authority pursuant to a
11 court order or order of an administrative hearing officer
12 after the exhaustion of, or the failure to exhaust,
13 judicial review;

14 20. The board is encouraged to employ a sufficient
15 number of certified school counselors to maintain a
16 student/counselor ratio of 250 to 1 by July 1, 1990. Each
17 counselor shall spend at least 75% of his work time in
18 direct contact with students and shall maintain a record of
19 such time;

20 21. To make available to students vocational and career
21 counseling and to establish 5 special career counseling
22 days for students and parents. On these days
23 representatives of local businesses and industries shall
24 be invited to the school campus and shall inform students
25 of career opportunities available to them in the various
26 businesses and industries. Special consideration shall be
27 given to counseling minority students as to career
28 opportunities available to them in various fields. For the
29 purposes of this paragraph, minority student means a person
30 who is:

31 (a) Black (a person having origins in any of the
32 black racial groups in Africa);

33 (b) Hispanic (a person of Spanish or Portuguese
34 culture with origins in Mexico, South or Central
35 America, or the Caribbean islands, regardless of
36 race);

1 (c) Asian American (a person having origins in any
2 of the original peoples of the Far East, Southeast
3 Asia, the Indian Subcontinent or the Pacific Islands);
4 or

5 (d) American Indian or Alaskan Native (a person
6 having origins in any of the original peoples of North
7 America).

8 Counseling days shall not be in lieu of regular school
9 days;

10 22. To report to the State Board of Education the
11 annual student dropout rate and number of students who
12 graduate from, transfer from or otherwise leave bilingual
13 programs;

14 23. Except as otherwise provided in the Abused and
15 Neglected Child Reporting Act or other applicable State or
16 federal law, to permit school officials to withhold, from
17 any person, information on the whereabouts of any child
18 removed from school premises when the child has been taken
19 into protective custody as a victim of suspected child
20 abuse. School officials shall direct such person to the
21 Department of Children and Family Services, or to the local
22 law enforcement agency if appropriate;

23 24. To develop a policy, based on the current state of
24 existing school facilities, projected enrollment and
25 efficient utilization of available resources, for capital
26 improvement of schools and school buildings within the
27 district, addressing in that policy both the relative
28 priority for major repairs, renovations and additions to
29 school facilities, and the advisability or necessity of
30 building new school facilities or closing existing schools
31 to meet current or projected demographic patterns within
32 the district;

33 25. To make available to the students in every high
34 school attendance center the ability to take all courses
35 necessary to comply with the Board of Higher Education's
36 college entrance criteria effective in 1993;

1 26. To encourage mid-career changes into the teaching
2 profession, whereby qualified professionals become
3 certified teachers, by allowing credit for professional
4 employment in related fields when determining point of
5 entry on teacher pay scale;

6 27. To provide or contract out training programs for
7 administrative personnel and principals with revised or
8 expanded duties pursuant to this Act in order to assure
9 they have the knowledge and skills to perform their duties;

10 28. To establish a fund for the prioritized special
11 needs programs, and to allocate such funds and other lump
12 sum amounts to each attendance center in a manner
13 consistent with the provisions of part 4 of Section 34-2.3.
14 Nothing in this paragraph shall be construed to require any
15 additional appropriations of State funds for this purpose;

16 29. (Blank);

17 30. Notwithstanding any other provision of this Act or
18 any other law to the contrary, to contract with third
19 parties for services otherwise performed by employees,
20 including those in a bargaining unit, and to layoff those
21 employees upon 14 days written notice to the affected
22 employees. Those contracts may be for a period not to
23 exceed 5 years and may be awarded on a system-wide basis;

24 31. To promulgate rules establishing procedures
25 governing the layoff or reduction in force of employees and
26 the recall of such employees, including, but not limited
27 to, criteria for such layoffs, reductions in force or
28 recall rights of such employees and the weight to be given
29 to any particular criterion. Such criteria shall take into
30 account factors including, but not be limited to,
31 qualifications, certifications, experience, performance
32 ratings or evaluations, and any other factors relating to
33 an employee's job performance;

34 32. To develop a policy to prevent nepotism in the
35 hiring of personnel or the selection of contractors;

36 33. To enter into a partnership agreement, as required

1 by Section 34-3.5 of this Code, and, notwithstanding any
2 other provision of law to the contrary, to promulgate
3 policies, enter into contracts, and take any other action
4 necessary to accomplish the objectives and implement the
5 requirements of that agreement; and

6 34. To establish a Labor Management Council to the
7 board comprised of representatives of the board, the chief
8 executive officer, and those labor organizations that are
9 the exclusive representatives of employees of the board and
10 to promulgate policies and procedures for the operation of
11 the Council.

12 The specifications of the powers herein granted are not to
13 be construed as exclusive but the board shall also exercise all
14 other powers that they may be requisite or proper for the
15 maintenance and the development of a public school system, not
16 inconsistent with the other provisions of this Article or
17 provisions of this Code which apply to all school districts.

18 In addition to the powers herein granted and authorized to
19 be exercised by the board, it shall be the duty of the board to
20 review or to direct independent reviews of special education
21 expenditures and services. The board shall file a report of
22 such review with the General Assembly on or before May 1, 1990.

23 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;
24 92-724, eff. 7-25-02; 93-3, eff. 4-16-03.)

25 Section 95. The State Mandates Act is amended by adding
26 Section 8.28 as follows:

27 (30 ILCS 805/8.28 new)

28 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
29 of this Act, no reimbursement by the State is required for the
30 implementation of any mandate created by this amendatory Act of
31 the 93rd General Assembly.

32 Section 97. Severability. The provisions of this Act are
33 severable under Section 1.31 of the Statute on Statutes.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.